

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ATD-AMERICAN CO.,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	NO. 12-00032
KRUEGER INTERNATIONAL, INC.	:	

ORDER

AND NOW, this 8th day of *October*, 2013, upon consideration of **(1)** Defendant Krueger International, Inc.'s Motion for Summary Judgment or, Alternatively, Partial Summary Judgment and to Preclude the Proffered Testimony of Plaintiff's Expert Witnesses Ruth Stevens and Paul Pocalyko (Docket No. 53), Plaintiff ATD-American Co.'s Response (Docket No. 56), Defendant's Reply Brief (Docket No. 57), and Plaintiff's Sur-reply Brief (Docket No. 60); and **(2)** Plaintiff's Motion for Summary Judgment (Docket No. 54), Defendant's Response (Docket No. 55), Plaintiff's Reply Brief (Docket No. 58), and Defendant's Sur-reply Brief (Docket No. 59), together with the parties volumes of supporting exhibits, it is hereby **ORDERED** as follows:

1. Defendant's Motion for Summary Judgment or, Alternatively, Partial Summary Judgment is **DENIED**;
2. Defendant's Motions to Preclude the Proffered Testimony of Expert Witnesses Ruth Stevens and Paul Pocalyko are **DENIED WITHOUT PREJUDICE**;
3. Plaintiff's Motion for Summary Judgment is **DENIED**.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.